

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JASON L. LEDDON, #159609

PETITIONER

V.

CIVIL ACTION NO. 3:22-CV-320-KHJ-MTP

SHERIFF BILLIE SOLLIE

RESPONDENT

ORDER

Before the Court is the [17] Report and Recommendation (“Report”) of United States Magistrate Judge Michael T. Parker. It recommends the Court grant Respondent Sheriff Billie Sollie’s [13] Motion to Dismiss, deny Petitioner Jason L. Leddon’s [9] Petition for Writ of Habeas Corpus, and dismiss this case without prejudice. [17] at 4. Written objections to the Report were due by January 26, 2023. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636. *Id* at 4–5.

When no party has objected to a magistrate judge’s report and recommendation, the Court need not review it *de novo*. 28 U.S.C. § 636(b)(1); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Instead, the Report is reviewed under the “clearly erroneous, abuse of discretion and contrary to law” standard of review. *Wilson*, 864 F.2d at 1221.

Leddon filed his habeas petition while he was a pretrial detainee at Lauderdale County Detention Facility. *See* [9] at 1. He alleges that he received ineffective assistance of counsel and was denied his right to a speedy trial. *Id.* at 6–7. He seeks immediate release from custody and dismissal of his criminal charges. *Id.* at 7. In response, Sheriff Sollie filed his [13] Motion to Dismiss arguing that the resolution of Leddon’s charges on August 25, 2022, renders his petition moot, or, alternatively, that his petition should be dismissed for failure to exhaust his available state court remedies. [13] at 9–14. Leddon did not respond to Sheriff Sollie’s motion.

The Magistrate Judge found that Leddon failed to exhaust his state court remedies because he did not petition the Circuit Court of Lauderdale County, Mississippi for his release or appeal to the Mississippi Supreme Court. [17] at 3. He also found that Leddon did not demonstrate the extraordinary circumstances required to excuse his failure to exhaust. *Id.* at 3. Additionally, the Magistrate Judge found that Leddon’s petition was moot because Leddon pled guilty to the charges against him and was released from custody. *Id.* at 4. Leddon did not object to the Report. The Report is neither clearly erroneous nor contrary to law. Accordingly, it is adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [17] Report and Recommendation of United States Magistrate Judge Michael T. Parker is adopted as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Respondent Sheriff Billie Sollie's [13] Motion to Dismiss is GRANTED, and Petitioner Jason L. Leddon's [9] Petition for Writ of Habeas Corpus is DENIED. This case is DISMISSED without prejudice.

The Court concludes also that a certificate of appealability ("COA") shall not issue. To obtain a COA, Leddon must show "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right *and* that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (emphasis added). Leddon satisfies the first prong, but he fails to meet the second.

A separate Final Judgment will issue this day.

SO ORDERED, this the 24th day of February, 2023.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE